

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

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**FORTY-FOURTH LEGISLATIVE DAY  
TUESDAY, FEBRUARY 21, 2012**

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Andreason and Bair, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Nathan Chelson, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journals of the proceedings of February 16, February 17 and February 20, 2012, were read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senators Andreason and Bair were recorded present at this order of business.

February 21, 2012

The JUDICIARY AND RULES Committee reports that [S 1334](#), [S 1335](#), and [SJR 106](#) have been correctly printed.

DARRINGTON, Chairman

[S 1334](#) was referred to the Transportation Committee.

[S 1335](#) was referred to the State Affairs Committee.

[SJR 106](#) was referred to the Resources and Environment Committee.

February 20, 2012

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

E. Robert (Bob) Mooney to the Idaho Energy Resources Authority, term to expire June 30, 2015.

Sam Haws as the Administrator of the Office on Aging, term to continue at the pleasure of the Governor.

MCKENZIE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 20, 2012

The STATE AFFAIRS Committee reports out [H 405](#) and [SCR 116](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 405](#) was filed for second reading.

[SCR 116](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 20, 2012

The FINANCE Committee reports out [S 1333](#) with the recommendation that it do pass.

CAMERON, Chairman

[S 1333](#) was filed for second reading.

February 20, 2012

The JUDICIARY AND RULES Committee reports that Enrolled [S 1219](#) and [S 1222](#) were delivered to the Office of the Governor at 1:35 p.m., February 20, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 20, 2012

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

John Randolph MacMillan to the Board of Environmental Quality, term to expire July 1, 2015.

Kevin C. Boling to the Board of Environmental Quality, term to expire July 1, 2015.

Nick Purdy to the Board of Environmental Quality, term to expire July 1, 2015.

LODGE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 20, 2012

The HEALTH AND WELFARE Committee reports out [S 1294](#) with the recommendation that it do pass.

LODGE, Chairman

[S 1294](#) was filed for second reading.

February 20, 2012

The EDUCATION Committee reports out [S 1299](#) with the recommendation that it do pass.

GOEDDE, Chairman

[S 1299](#) was filed for second reading.

February 20, 2012

The RESOURCES AND ENVIRONMENT Committee reports out [S 1256](#) with the recommendation that it do pass.

PEARCE, Chairman

[S 1256](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

February 20, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

#### [S 1237](#)

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

February 20, 2012

Dear Mr. President:

I transmit herewith [HCR 33](#) and [H 450](#), which have passed the House.

ALEXANDER, Chief Clerk

[HCR 33](#) and [H 450](#) were filed for first reading.

February 20, 2012

Dear Mr. President:

I transmit herewith Enrolled [H 404](#), as amended in the Senate, for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [H 404](#), as amended in the Senate, and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

The President Pro Tempore announced that the State Affairs Committee report relative to the Gubernatorial reappointment of Hyong K. Pak was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Heider, seconded by Senator Stennett, the Gubernatorial reappointment of Hyong K. Pak as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the State Affairs Committee report relative to the Gubernatorial reappointment of Ruthie Johnson was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Vick, seconded by Senator Werk, the Gubernatorial reappointment of Ruthie Johnson as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Education Committee report relative to the Gubernatorial reappointment of Brad Corkill was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Goedde, seconded by Senator Werk, the Gubernatorial reappointment of Brad Corkill as a member of the Public Charter School Commission was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Education Committee report relative to the Gubernatorial reappointment of Esther Van Wart was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Malepeai, seconded by Senator Goedde, the Gubernatorial reappointment of Esther Van Wart as a member of the Public Charter School Commission was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Education Committee report relative to the Gubernatorial appointment of Wanda Chillingworth Quinn was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Goedde, seconded by Senator Stennett, the Gubernatorial appointment of Wanda Chillingworth Quinn as a member of the Public Charter School Commission was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Transportation Committee report relative to the Gubernatorial appointment of Dwight Horsch was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Bilyeu, seconded by Senator Lodge, the Gubernatorial appointment of Dwight Horsch as a member of the Idaho Transportation Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Jeffery Sayer was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Smyser, seconded by Senator Bilyeu, the Gubernatorial appointment of Jeffery Sayer as the Director of the Department of Commerce was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the State Affairs Committee report relative to the Gubernatorial appointment of J. Marshall Garrett was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stennett, seconded by Senator McGee, the Gubernatorial appointment of J. Marshall Garrett as a member of the Bingo-Raffle Advisory Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the State Affairs Committee report relative to the Gubernatorial reappointment of Wendy Lively was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Davis, seconded by Senator Stennett, the Gubernatorial reappointment of Wendy Lively as a member of the Bingo-Raffle Advisory Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Tom Schultz was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Pearce, seconded by Senator Werk, the Gubernatorial appointment of Tom Schultz as the Director of the Department of Lands was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

### **Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**

#### **S 1336**

#### **BY STATE AFFAIRS COMMITTEE**

#### **AN ACT**

RELATING TO WORKER'S COMPENSATION; AMENDING SECTION 72-438, IDAHO CODE, TO PROVIDE THAT COMPENSATION SHALL BE PAYABLE FOR DISABILITY OR DEATH RESULTING FROM CERTAIN FIREFIGHTER OCCUPATIONAL DISEASES, TO DEFINE A TERM, TO PROVIDE A REBUTTABLE PRESUMPTION OF PROXIMATE CAUSATION BETWEEN SPECIFIED DISEASES AND EMPLOYMENT AS A FIREFIGHTER, TO PROVIDE FOR REBUTTAL OF THE PRESUMPTION, TO PROVIDE FOR THE DEMONSTRATION OF CAUSAL CONNECTION, TO PROVIDE THAT THE PRESUMPTION SHALL NOT APPLY UNDER CERTAIN CIRCUMSTANCES AND TO MAKE A TECHNICAL CORRECTION.

#### **S 1337**

#### **BY JUDICIARY AND RULES COMMITTEE**

#### **AN ACT**

RELATING TO THE SEXUAL EXPLOITATION OF A CHILD; AMENDING SECTION 18-1505B, IDAHO CODE, TO DEFINE A TERM, TO REVISE A DEFINITION AND TO REMOVE A CODE REFERENCE; AMENDING SECTION 18-1507, IDAHO CODE, TO REMOVE LEGISLATIVE FINDINGS, TO REMOVE A DEFINITION, TO REVISE A DEFINITION AND TO REVISE PROVISIONS RELATING TO SEXUAL EXPLOITATION OF A CHILD AND PENALTIES; REPEALING SECTION 18-1507A, IDAHO CODE, RELATING TO POSSESSION OF SEXUALLY EXPLOITATIVE MATERIAL FOR OTHER THAN A COMMERCIAL PURPOSE; AMENDING SECTION 18-8304, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 19-3004A, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 19-5506, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 33-1208, IDAHO CODE, TO REMOVE A CODE REFERENCE; AND AMENDING SECTION 39-1113, IDAHO CODE, TO REMOVE CODE REFERENCES.

**S 1338****BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO ENTICING A CHILD; AMENDING SECTION 18-1509A, IDAHO CODE, TO REVISE A SHORT TITLE, TO REVISE PROVISIONS RELATING TO ENTICING A CHILD THROUGH USE OF THE INTERNET OR OTHER COMMUNICATION DEVICE AND TO PROVIDE THAT IT IS NOT NECESSARY FOR THE PROSECUTION TO MAKE A CERTAIN SHOWING IN A CERTAIN PROSECUTION.

**S 1339****BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO THE IDAHO TRADE SECRETS ACT; AMENDING SECTION 48-801, IDAHO CODE, TO REVISE DEFINITIONS; AND AMENDING SECTION 48-803, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DAMAGES AND FEES.

**S 1340****BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO COSTS OF COURT ORDERED TESTING; AMENDING SECTION 19-2608, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE COSTS OF CERTAIN COURT ORDERED TESTING; AMENDING CHAPTER 39, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-3922, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR THE PAYMENT OF CERTAIN COURT ORDERED TESTS AND TO PROVIDE FOR A WAIVER OF SUCH REQUIREMENTS; AMENDING SECTION 20-225, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO COURT ORDERED COSTS AND FEES; AND AMENDING SECTION 31-3201D, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO COURT ORDERED COSTS AND FEES.

**S 1341****BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO THE SEXUAL OFFENDER REGISTRATION ACT; AMENDING SECTION 18-8304, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO CERTAIN EXEMPTIONS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING CHAPTER 83, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8310A, IDAHO CODE, TO PROVIDE A PETITION PROCESS FOR CERTAIN PERSONS TO BE EXEMPTED FROM THE DUTY TO REGISTER AS A SEXUAL OFFENDER, TO GRANT THE DISTRICT COURT THE AUTHORITY TO EXEMPT CERTAIN PERSONS FROM THE DUTY TO REGISTER AS A SEXUAL OFFENDER AND TO ALLOW FOR EXPUNGEMENT.

S 1336, S 1337, S 1338, S 1339, S 1340, and S 1341 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

HCR 33, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 450, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

H 369, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

S 1285 and S 1286, by State Affairs Committee, were read the second time at length and filed for third reading.

S 1289 and S 1290, by Resources and Environment Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

S 1274 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Hammond and Lodge arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Mortimer, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk, Winder. Total - 29.

NAYS—Fulcher, McKague, McKenzie, Nuxoll, Pearce, Vick. Total - 6.

Total - 35.

Whereupon the President Pro Tempore declared S 1274 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, SJR 104 retained its place on the Third Reading Calendar for Friday, March 2, 2012.

On request by Senator Davis, granted by unanimous consent, S 1296 retained its place on the Third Reading Calendar for one legislative day.

S 1215, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Brackett, Corder. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1215, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1283](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1292](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 32.

NAYS—Werk. Total - 1.

Absent and excused—Brackett, Corder. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1292](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1302](#) and [S 1303](#) retained their place on the Third Reading Calendar for one legislative day.

[S 1260](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Brackett, Corder. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1260](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1261](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce,

Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Brackett, Corder. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1261](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1262](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Brackett, Corder. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1262](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1273](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Nuxoll arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Brackett, Corder. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1273](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1301](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"



Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 27.

NAYS—Bock, Broadsword, Cameron, Darrington, Schmidt, Werk. Total - 6.

Absent and excused—Brackett, Corder. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1301](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

### Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate recessed at 12:05 p.m. until the hour of 4:30 p.m. of this day.

### RECESS AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Pro Tempore Hill presiding. President Little called the Senate to order.

Roll call showed all members present except President Pro Tempore Hill and Senators Corder, Davis, LeFavour, Malepeai, and McGee, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

President Pro Tempore Hill and Senators LeFavour, Davis, and McGee were recorded present at this order of business.

[S 1298](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Corder, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared [S 1298](#) passed, title was approved, and the bill ordered transmitted to the House.

Senator Malepeai was recorded present at this order of business.

[S 1291](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Corder. Total - 1.

Total - 35.

Whereupon the President declared [S 1291](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1310](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Corder. Total - 1.

Total - 35.

Whereupon the President declared [S 1310](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1312](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1313](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Corder. Total - 1.

Total - 35.

Whereupon the President declared [S 1313](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1307](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Corder. Total - 1.

Total - 35.

Whereupon the President declared [S 1307](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1308](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Corder. Total - 1.

Total - 35.

Whereupon the President declared [S 1308](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1314](#) was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Corder. Total - 1.

Total - 35.

Whereupon the President declared [S 1314](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 5:20 p.m. until the hour of 10 a.m., Wednesday, February 22, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary